

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOWARD JAMAL SANDERS
#249473,

Plaintiff,

No. 10-CV-12846

vs.

Hon. Gerald E. Rosen

PRISON HEALTH SERVICE, INC., and
MICHIGAN DEPARTMENT OF
CORRECTIONS

Defendants.
_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION, DISMISSING
PLAINTIFF'S CLAIMS AGAINST MICHIGAN
DEPARTMENT OF CORRECTIONS, AND DENYING
PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on February 29, 2012

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

This Section 1983 prisoner civil rights matter is presently before the Court on the September 7, 2011 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court (1) grant Defendant Michigan Department of Corrections ("MDOC")'s Motion to Dismiss; (2) deny Plaintiff's Motion for Summary Judgment; and (3) deny Plaintiff's Motion for Appointment of Counsel. Plaintiff timely filed objections to the Magistrate Judge's Report and Recommendation.

Having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, and the Court's entire file of this action, the Court has concluded that, for the reasons stated in the Report and Recommendation, Defendant MDOC's motion should be granted and Plaintiff's motions should be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of September 7, 2011 [**Dkt. # 56**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Michigan Department of Corrections' Motion to Dismiss [**Dkt. # 43**] be, and hereby is, GRANTED, and Plaintiff's Motion for Summary Judgment [**Dkt. # 48**] is DENIED. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant Michigan Department of Corrections are DISMISSED, with prejudice.

IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel [**Dkt. # 51**] is DENIED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: February 29, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 29, 2012, by electronic mail and upon Howard Jamal Sanders, #249473, G. Robert Cotton correctional Facility, 3510 N. Elm Road, Jackson, MI 49201 by ordinary mail.

s/Ruth A. Gunther
Case Manager